

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 28, 2002**

DIVISION TWO

B148291      Crowell      (Certified for Publication)

v.

Downey Community Hospital Foundation

The judgment is affirmed.

Doi Todd, J.

I concur:      Boren, P.J.

I dissent:      Nott, J. (Opinion)

B151184      Paramount Contractors and Developers, Inc.      (Not for Publication)

v.

Certain Underwriters at Interest at Lloyds of London

The judgment is affirmed.

Boren, P.J.

We concur:      Nott, J.

Doi Todd, J.

B146384      Tucker Land Company

v.

The State of California, et al.

Filed order denying petition for rehearing.

## DIVISION TWO (Continued)

B145337 People (Not for Publication)  
v.  
Cardenas

The case is remanded to the trial court with instructions to: (1) impose the enhancement required by section 667, subdivision (a)(1); (2) determine and impose any appropriate enhancements to counts 1 and 2; and (3) ensure that a correct abstract of judgment reflecting the striking of the section 667.5, subdivision (b) enhancement and any other changes is sent to the Department of Corrections. In all other respects the judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B144790      People                    (Not for Publication)  
v.  
Ibarra

The judgment is amended to impose a parole revocation fine of \$10,000. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
Doi Todd, J.

## DIVISION TWO (Continued)

B145989 People (Not for Publication)  
v.  
Flores and Avila

The judgment as to Avila is affirmed. The judgment as to Flores is modified to strike the three-year great bodily injury enhancement imposed on count 2 and to reflect a sentence of 25 years to life, three consecutive life terms, and a consecutive sentence of eight years four months. In all other respects, the judgment as to Flores is affirmed.

Boren, P.J.

We concur: Nott, J.  
Ashmann-Gerst, J.

B139257 People (Not for Publication)  
v.  
Espinoza and Espinoza

The judgments are reversed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

B148548 People (Not for Publication)  
v.  
Barger

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
Doi Todd, J.

DIVISION TWO (Continued)

B148429      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
George G.

The order under review is affirmed.

Boren, P.J.

We concur:    Nott, J.  
Doi Todd, J.

B148395      People      (Not for Publication)  
v.  
Harake

The judgment is affirmed.

Doi Todd, J.

We concur:    Boren, P.J.  
Nott, J.

B147966      People      (Not for Publication)  
v.  
Kim

The judgment is affirmed.

Boren, P.J.

We concur:    Nott, J.  
Doi Todd, J.

## January 28, 2002-Continued

## DIVISION TWO (Continued)

[illegible]

### The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

DIVISION THREE

B137926      People      (Certified for Publication)  
v.  
David Angel Diaz

The concurrent sentences on counts 2,3 and 4 are hereby ordered stayed. As modified, the judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B145059      Todd Smith et al.  
v.  
Biomedics Corporation et al.

Filed order denying petition for rehearing.

B147984      People  
v.  
Antonio Duran and Jesus Fonseca

Filed order vacating submission order of 10-23-01. Due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

## DIVISION FOUR

[illegible]

The judgment is affirmed. Respondent's request for sanctions is denied.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B147559 People (Not for Publication)  
v.  
Walker

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.



January 28, 2002-Continued

## DIVISION FOUR (Continued)

B143719      Kim                          (Not for Publication)  
v.  
Ford

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B146381      Gerri Oshrey      (Not for Publication)  
v.  
Statewide Auto Sales

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

B143607 Arturo Martinez (Not for Publication)  
v.  
Thomas Jasperson

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.



DIVISION FIVE (Continued)

B144629      The People ex rel.                      (Certified for Partial Publication)  
B140743      Department of Corporations  
                 v.  
                 Speedee Oil Change Systems

On the appeal of plaintiffs in intervention, Donald and Belva Almen, Jon Andersen, Jerry and Kathleen Beezley, Mike and Karolyn Bradley, M.G. Han, Jeff Howe, Sam Lau, and Christopher Mack, in case No. B144629: the order denying their motion for judgment notwithstanding the verdict is affirmed; the order denying their motion to vacate the judgment and enter a different judgment is affirmed; the order denying as moot their motion for costs and attorney's fees is affirmed; the order granting a new trial is affirmed; the request for assignment to a new trial judge is denied; the orders granting summary adjudication of Jeff Howe's and Kathleen Beezley's fraud causes of action are reversed.

On the appeal of defendant, CalNeva Oil Corporation, in case No. B144629: the order denying the motion for judgment notwithstanding the verdict is affirmed; the order denying the motion to vacate the judgment and enter a different judgment is affirmed; the sanctions request of plaintiffs in intervention is denied.

On the appeal in case No. B140743 of the plaintiffs in intervention, the nonsuit orders in favor of defendants, Speedee Oil Change Systems, Inc., NoCal, Inc., Gary L. Copp, Kevin Bennett, Mobil Oil Corporation, James Philpot, W. James Musser, and Richard Philpot, are affirmed. The order granting summary adjudication of the fraud cause of action in favor of James Philpot, W. James Musser, and Richard Philpot is affirmed.

Defendants, CalNeva Oil Corporation, James Philpot, W. James Musser, Richard Philpot, Speedee Oil Change Systems, Inc., NoCal, Inc., Gary L. Copp, Kevin Bennett, and Mobil Oil Corporation, are to recover their costs on appeal, jointly and severally, from the plaintiffs in intervention, except that Jeff Howe and Kathleen Beezley are to recover their costs on appeal in case No. B144629 from defendant, CalNeva Oil Corporation.

Turner, P.J.

I concur:                                      Grignon, J.  
I concur with opinion:                      Mosk, J.

## January 28, 2002-Continued

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Woods, Acting P.J.  
Perluss, J.

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Perluss, J.

B146667      Los Angeles County, D.C.F.S.      (Certified for Publication)  
v.  
J.R.  
In re Jerry P., a minor

The order denying J.R. reunification is reversed and the cause is remanded for further proceedings consistent with the views expressed in this opinion.

Johnson, Acting P.J.

I concur: Woods, J.  
I concur and dissent: Perluss, J. (Opinion)

January 28, 2002-Continued

## DIVISION SEVEN (Continued)

B140904 People (Certified for Publication)  
v.  
Lee

The judgment is reversed.

Johnson, Acting P.J.

We concur: Woods, J.  
Boland, J. (Assigned)

B146288      People      (Not for Publication)  
v.  
Anthony C., a minor

The order under review is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Perluss, J.